UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	*	
	*	
RAYMOND GROVES, Debtor	*	CASE NO. 10-39209-H3-13
	*	
--	*	
	*	ADVERSARY NO. ________
RAYMOND GROVES, Plaintiff	*	
	*	
Vs.	*	
	*	
THE CIT GROUP,	*	
VERICREST FINANCIAL, INC. AND	*	
LSF6 MERCURY REO INVESTMENTS	*	
TRUST SERIES 2008-1	*	

COMPLAINT TO RESCIND WRONGFUL FORECLOSURE,
SET ASIDE TRANSFER
AND TEMPORARY RESTRAINING ORDER AND INJUNCTION

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES, Debtor, Raymond Groves, hereinafter referred to as "Debtor" or "Plaintiff" in the above-referenced and filed bankruptcy, and Plainfiff in the above-styled adversary proceeding complaining of and against THE CIT GROUP, hereinafter referred to as Defendant CIT, Defendant, Vericrest Financial Services, Inc., hereinafter referred to as Defendant Vericrest, and Defendant, LSF6 Mercury REO Investments Trust Series 2008-1, hereinafter referred to as Defendant Mercury and for cause of action would respectfully show the following:

1. Debtor filed a voluntary petition under Chapter 13 of the United States Code on October 11, 2010. Debtor is a proper Plaintiff to this Complaint as a result of his bankruptcy filing.

JURISDICTION/CORE PROCEEDING

2. This Court has jurisdiction of this Complaint to Rescind the Wrongful Foreclosure and/Set Aside Preference/Transfer pursuant to 28 U.S.C. Section 1334 and 28 U.S.C. Section 157. This is a core proceeding as defined in 28 U.S.C. Section 157(b)(2)(A). Plaintiff files this Complaint pursuant to Rule 7001 of the Federal Rules of Civil Procedure, Rule 9006 of the Federal Rules of Bankruptcy Procedure, 11 U.S.C. Sections 105, 301 and 548.

DEFENDANT/SERVICE

3. The Defendant, The CIT Group may be served by serving its registered agent, **CT Corp System, 350 N. St. Paul Street, Dallas, Texas 75201**. Defendant, Vericrest Financial Services, Inc., may be served by serving its registered agent, **CT Corp System, 350 N. St. Paul Street, Dallas, Texas 75201**. Defendant, LSF6 Mercury REO Investments Trust Series 2008-1 may be served by serving its registered agent, **the Secretary of State for the State of Texas.**

BACKGROUND FACTS

4. Plaintiff commenced his Chapter 13 Bankruptcy by filing a voluntary petition on October 11, 2010 pursuant to 11 U.S.C. Section 301. The filing of this petition constitutes an order for relief under 11 U.S.C. Section 301. Plaintiff was in the process of negotiating a modification of his loan with Defendant Vericrest from January through the date of foreclosure. The representatives from Defendant Vericrest had informed Plaintiff that his loan transferred to Defendant Vericrest. Plaintiff assumed that Vericrest was going to

proceed with the modification of his loan. Defendant CIT posted the Plaintiff home for foreclosure and sold the property on April 6, 2010. Defendant Mercury, purchased the home at a Trustee's sale through foreclosure on April 6, 2009. The purchase price of the property is unknown to Plaintiff.

5. Plaintiff was the owner of the following real property:

Lot 371, Block 10, Woodcreek, Section 2, Harris County, Texas, more commonly referred to as 2926 Woodcreek Lane, Houston, Texas 77073.

6. Plaintiff did exempt this property under the Texas homestead statutes which had a fair market value of approximately $155,559.00 on the date of foreclosure.

SECTION 548

7. The transfer of said property was involuntary. Plaintiff received no value in exchange for said transfer. Plaintiff was insolvent on the date of the transfer which occurred within one (1) year of the filing of the instant bankruptcy.

RESTRAINING ORDER/INJUNCTION

8. Defendant Mercury is currently seeking to evict Plaintiff from the property. Plaintiff has no adequate remedy at law, and without Court intervention, Defendant will evicted from the property.

9. Plaintiff seeks a temporary restraining order to enjoin Defendant Mercury from evicting him from the property. Plaintiff further seeks a temporary and permanent injunction prohibiting Defendant Mercury from evicting him from the property until the Court has resolved this issue.

10. Plaintiff will suffer irreparable harm if relief is not granted.

11. The harm to Plaintiff outweights the harm to Defendant.

ATTORNEY'S FEES, COSTS AND EXPENSES

12. It was necessary for Plaintiff to retain Emil R. Sargent to represent him in the filing of this complaint. Emil R. Sargent is entitled to compensation for this representation. Plaintiff hereby requests this Court to award attorneys' fees, damages sustained, and costs and expenses incurred in the prosecution of this complaint.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Court that upon notice and hearing;

A. Issue a temporary restraining order prohibiting Defendant Mercury from evicting Plaintiff from the property the subject of this complaint;

B. Enter a temporary injunction prohibiting Defendant Mercury from evicting Plaintiff from the property the subject of this complaint until the wrongful foreclosure issue is resolved;

Upon filing hearing of this matter, enter an order:

C. Rescinding the foreclosure sale of the property the subject of this complaint;

D. Awarding Plaintiff damages for the wrongful foreclosure of the property the subject of this complaint;

E. Awarding Plaintiff attorneys fees;

F. Cost of court and expenses incurred in the prosecution of this complaint;

G. All such other and further relief, at law or in equity, as is just.

Dated: November 16, 2010.

By: ***/s/ Emil R. Sargent***

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